

## Summary of Main OCSP International Activities January, 2017

### The Trans-Pacific Partnership (January, 2017)

As reported earlier this week, President Trump issued an Executive Order removing the United States from the Trans-Pacific Partnership Agreement (TPP). The TPP had been signed and was awaiting ratification by the Senate while, under procedures established by the 2015 Bipartisan Congressional Trade Promotion and Accountability Act (TPA), the Administration developed implementation plans for ensuring compliance with the final Agreement. Although the remaining 11 countries could choose to either go ahead with the agreement or launch new discussions without the United States, most believe that the TPP is unlikely to go forward.

### Strategic Approach to International Chemicals Management (SAICM) (February, 2017)

[ [HYPERLINK "http://www.saicm.org/index.php?option=com\\_content&view=featured&Itemid=473"](http://www.saicm.org/index.php?option=com_content&view=featured&Itemid=473) ] is a voluntary, multi-stakeholder policy framework designed to ensure chemicals are produced and used in ways that minimize significant adverse impacts on the environment and human health by 2020. SAICM assists countries in developing basic domestic chemicals management and waste programs, focusing on building capacity and promoting dialogue on emerging policy issues, including lead in paint, endocrine disrupting chemicals, chemicals in products, e-waste, perfluorinated chemicals, pharmaceuticals, nanomaterials, and highly hazardous pesticides. The United States prefers this voluntary, multi-stakeholder approach of addressing broad chemicals management issues to the more prescriptive alternatives often proposed by the EU and others. The current focus is on [ [HYPERLINK "http://www.saicm.org/index.php?option=com\\_content&view=article&id=568&Itemid=778"](http://www.saicm.org/index.php?option=com_content&view=article&id=568&Itemid=778) ] and the [ [HYPERLINK "http://www.saicm.org/index.php?option=com\\_content&view=article&id=569&Itemid=779"](http://www.saicm.org/index.php?option=com_content&view=article&id=569&Itemid=779) ] to prepare recommendations regarding SAICM beyond 2020. The first meeting of the intersessional process will be February 7-9, 2017 in Brasilia, Brazil.

### U.S. – Canada Regulatory Cooperation Council (February, 2017)

OPPT has developed the Regulatory Cooperation Council ([ [HYPERLINK "http://www.trade.gov/rcc/documents/k1-chemicals-management.pdf"](http://www.trade.gov/rcc/documents/k1-chemicals-management.pdf) ]) with Environment and Climate Change Canada and Health Canada. The work plan, with activities through 2017, was released last June and focuses on two work streams, one on potential chemical management via SNURs or SNACs and a second for risk assessments of existing chemicals (or chemicals in commerce). The focus on both activities is to increase mutual understanding of the country specific processes to increase compliance and facilitate collaboration.

On the pesticide side, OPP has developed a work plan with Health Canada's Pest Management Regulatory Agency (PMRA) with five areas of work. These work streams include:

- Joint IT Solutions to facilitate the submission of pesticide applications to either regulatory authority, including an eDossier Builder based on OECD Global Harmonized Submission Transport Standard (GHSTS) and a software tool to facilitate use of a new harmonized confidential product specification form;
- Alignment of pesticide residue trial requirements to further coordination on the establishment of maximum residue levels (MRLS);
- Pollinator Protection to facilitate collaboration on a bilateral pesticide re-evaluation process for three neonicotinoid pesticides utilizing a new pollinator risk assessment framework;

- Integrated Approach to Testing and Assessment (IATA) to expand the use of alternative methods of testing for acute oral, dermal, and inhalation toxicity, along with skin and eye irritation and skin sensitization (collectively referred to as the “six pack studies”); and
- Pesticide re-evaluation to align the timing of key science work for certain pesticides when possible. Scheduling of collaborative work would allow for more efficient planning with respect to data requests, efficiencies in review of studies and relevant scientific literature.

RCC activities are discussed across government agencies through the OMB-led Regulatory Working Group’s International Regulatory Cooperation; the next call is scheduled for February 7, 2017. The annual work plan will be revised in the summer of 2017, and the RCC meets annually in the August/September timeframe.

### **World Trade Organization: SPS and TBT (March, 2017)**

The WTO SPS and TBT Committees each meet approximately three times per year. OCSPP and OPP have attended recent meetings of the SPS Committee and have been heavily involved in meeting preparations and U.S. policy development. OAR attended one TBT Committee meeting last year.

The final 2016 SPS meeting featured a workshop on pesticides where OPP’s Donna Davis gave a presentation and engaged with participants to provide more information on how our pesticide registration process works. USTR intends to follow up on the workshop with additional papers and discussions at the next SPS meeting, including issues related to CODEX and pesticide approvals. We will need to be careful going forward as there seems to be several policy goals that USTR – and to a lesser extent, FAS – are interested in pursuing in the SPS Committee that may (or do) run counter to OCSPP interests. Other OCSPP-relevant issues likely to come up include continued discussions over endocrine disruptors and, more specifically, the EU’s controversial policy proposal for banning nearly all substances that pose even a negligible risk. Finally, of note, FAS is engaging in what they’re calling “housekeeping” by checking with agencies with responsibilities to notify the WTO SPS Committee of regulatory actions that affect trade between WTO members. OCSPP is working with OPP to provide information on how our internal notification process works. The next meeting is in March, where EPA participation will be expected.

The TBT Committee will also meet in the coming months. OCSPP equities in this Committee are not as strong nor as numerous as the SPS Committee. At this point, we have not heard what is expected to be on the agenda for the next meeting.

### **Globally Harmonized System for Classification and Labelling (Early 2017)**

The Globally Harmonized System of Classification and Labelling of Chemicals (GHS) is a global initiative to promote standard criteria for classifying chemicals according to their health, physical and environmental hazards. The UN Economic and Social Council’s Sub-Committee of Experts on the GHS (GHS Sub-Committee) is responsible for maintaining the GHS, promoting its implementation and providing additional guidance as needs arise (the 6<sup>th</sup> revision was approved in 2015). OPP staff are currently involved in working groups on non-animal test methods and nanomaterials.

Domestically, OPP has committed to exploring options for adopting GHS categories for the hazard portion of the pesticide label to further harmonization efforts and accelerate OPP’s ability to utilize integrated approaches to testing and assessment (IATA). Although GHS was adopted by the UN in 2002 with active EPA participation, EPA has not adopted GHS for pesticide product classification and labels. OPP has formed an internal workgroup to analyze rulemaking impacts and will begin having informal discussions with stakeholders in early 2017.

### **POPs (April, 2017)**

The Stockholm Convention (POPs) is a UN treaty to which the United States is not a Party. While we hope to become one over time, our current goal is to maintain our credibility on the technical side to ensure our non-party voice gets heard and to be active players at the global level. In April of 2017, the Conference of the Parties will meet and consider, among other issues, the addition of Deca, SCCPs, and HCB (Annex C only) to the Convention.

#### **PIC (April, 2017)**

The Rotterdam Convention (PIC) is a UN treaty to which the United States is not a Party. While similar in many ways to POPs, there is different policy trajectory for PIC this year given concerns among the Parties that the COP is routinely rejecting or not agreeing to list chemicals that are coming up from the technical review. Our goal for the USG is to encourage addressing this concern through changes in the work of the convention without supporting any legal amendments. We expect this issue to get considerable attention at the COP, which is scheduled for April of 2017. The COP will also consider, among other issues, the addition of SCCPs, TBT compounds, carbofuran, and carbosulfan to the Convention. In addition, the chemicals that did not reach consensus at the 2015 COP will also be reconsidered. Those chemicals include trichlorfon, fenthion, liquid paraquat dichloride, and chrysotile asbestos.

#### **Codex (April, 2017)**

The Codex Committee on Pesticide Residues (CCPR) is the international forum for harmonizing MRLs around the world. Many national authorities rely on Codex maximum residue limits (MRLs) for permissible pesticide residues levels on commodities. Progress was made in April 2016 with almost 400 CXLs (associated with 31 pesticides) being established and adopted at the 39th Session of the Codex Alimentarius Commission (CAC) in June 2016. Three electronic Working Groups were established to consider revisions to the international estimate of short term intake equation (which is used to estimate short-term exposures and determine if Codex CXL's are acceptable); CCPR Prioritization; and Crop Grouping. The next CCPR Meeting will be held in late April 2017. The agenda and topics to be covered are currently being developed.

#### **OECD (May, 2017)**

The OECD is a unique forum in which the governments of 34 advanced democracies with market-based economies work together, with more than 70 non-members, to address common problems, identify best practices, and coordinate domestic and international policies. The Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology ("JM") meet every 8 months to discuss issues relating to the harmonization of chemical safety tools and policies across jurisdictions. The JM aims to help OECD governments reduce barriers to trade, optimize the use of their resources, and save industry time and money by cooperating to test and evaluate industrial chemicals, pesticides, biotechnology, and nanotechnology products. The 56<sup>th</sup> meeting of the JM will be held in Paris in May 2017.

Jeff Morris attended the most recent (55<sup>th</sup>) JM, in November 2016. The agenda included accession issues, AOP/IATA, a proposed sustainable plastics workshop, revisions being considered to some chemical-related acquis and other governance and budget topics, reports on scoping studies and on a recent economic impact analysis workshop, and OECD capacity building efforts. Jeff also gave a presentation outlining the recent TSCA amendments.

There are a number of ongoing OECD Working Groups, each with its own agendas and deadlines, where OCSPP is quite active. These groups include: the Working Party on Exposure Assessment, the Working Party on Hazard Assessment, the Working Party on Manufactured Nanomaterials, the Steering Group for eChemPortal, the Pollutant Release and Transfer Register (PRTR) Task Force, the Working Group on Pesticides, the Working Group on Biocides, and the Test Guidelines Programme. At the meeting on

January 26, staff can highlight any upcoming Working Group dates or issues that may be of a priority nature for OCSPP.

#### **EPA Statement of Intent with European Chemicals Agency (ECHA) (June, 2017)**

Signed in 2010 to publically emphasize the importance of an ongoing regulatory dialogue with the EU, this Statement of Intent among ECHA, OPPT, and ORD's National Center for Computational Toxicology focuses primarily on information exchange through a "Rolling Work Plan" that is updated each year. The 2016 plan included risk assessment, risk management, and online chemical regulation and research tools; participation in scientific and policy-focused workshops; and a June 30 visit to EPA by the Executive Director of ECHA. ECHA has proposed a draft Rolling Work Plan for 2017 that is similar to past years. That work plan is currently under consideration by OPPT and ORD. For 2017, ECHA is having its 10<sup>th</sup> anniversary and Chemicals Forum in June, which OPPT may attend.

#### **North American Commission for Environmental Cooperation (July, 2017)**

Chemicals work has been a part of CEC activities since the early 1990's, and OPPT has participated in this work as the U.S. representative to the Sound Management of Chemicals (SMOC) Working Group. The CEC has recently transitioned from a working group model to a model with tri-national steering committees that guide the progress of two-year projects. There is currently one chemicals-related project, "Greening Chemicals Management in North America" with two tasks: one focused on understanding discrepancies in North American mercury trade statistics and another focused on a literature review and testing for migration of chemicals from consumer products. The current CEC projects will end in June 2017. Proposals for projects for the new two-year operational plan, which will begin in July 2017, will soon be requested.

#### **The Asia-Pacific Economic Cooperation (August, 2017)**

The [ [HYPERLINK "http://www.apec.org/About-Us/About-APEC.aspx"](http://www.apec.org/About-Us/About-APEC.aspx) ] (APEC) is a regional economic forum established in 1989 to leverage the growing interdependence of the Asia-Pacific and create greater prosperity for the region. There are 21 member states and industry has a formal participatory role in the dialogue. EPA engages primarily in the Chemicals Dialogue. The Chemicals Dialogue supports cooperation and mutual recognition among chemical regulators to facilitate trade, recognizes industry's role for innovative solutions, and encourages cooperation and sustainability. APEC has a significant industry presence, which is focused on encouraging mutual recognition of chemical management decisions, streamlining inter-country commerce, and broadly encouraging the development of risk based chemical management schemes. Other potentially interested non-industry stakeholders have not been involved

OPPT is the acting chair of The 2010 Regulator's Forum, a subgroup of the Chemical Dialogue created in 2010. EPA activities in this forum center on capacity building, monitoring developments in chemical management, and informing APEC economies of developments directly related to U.S. interests. The next meeting of the Forum is in August.

#### **U.S.-Sino Environmental Cooperation (Fall, 2017)**

Annex III of the Ministerial-Level Memorandum of Understanding between China's Ministry of Environmental Protection (MEP) and the EPA addresses chemicals management and has been in place for over 10 years. The Annex 3 work plan covers study tours, video conferences, visiting scholars, and information exchange, including on subject matters such as new chemicals review and management, existing chemicals risk management, and chemical information dissemination tools. Major MEP interests currently include an ambitious new chemical risk assessment project, Minamata implementation, development of PRTR, and implementation of Stockholm Convention controls. The Bi-Annual Ministerial-level meeting (JCEC) where the MOU is re-affirmed, progress is reported, and new work plans are endorsed is expected in 2017; AA participation will be requested.

In addition to work on the MOU, OCSPP answers questions and has hosted visitors from other Chinese ministries whose authority overlaps with EPA's (e.g. Ministry of Industry and Information Technology (MIIT) (e.g. for the E3 program), Ministry of Science and Technology (MOST) (e.g. for lead in paint)), and from U.S. Embassies and Consulates in Asia. The MOU with MOST, coordinated by OITA and ORD, includes some OCSPP-related provisions including: life cycle analysis and assessment; molecular design for reduced hazard; green chemistry and predictive toxicology, green engineering, clean manufacturing, food safety related to pesticide use; ecological risk assessment and ecosystem services valuation; emerging contaminants; and computational toxicology. EPA review is also requested for other USG engagement coordinated through the Department of State (e.g. the 10-year framework).

### **Mercury (September, 2017)**

The Minamata Convention on Mercury opened for signature in October of 2013. In November of 2013, the United States was the first country in the world to both sign and accept the treaty. Entry into force will occur once 50 countries have ratified, which is expected to occur in early summer 2017. Our U.S. goal between now and September, 2017 is to ensure that the rules, processes, and final mechanisms that are currently being negotiated -- reporting formats, expert procedures, the methodology for the effectiveness evaluation -- remain consistent with U.S. interests. COP 1 is scheduled for September of 2017.

### **NAFTA (October-November, 2017)**

One of the President's campaign goals was a "renegotiation" of NAFTA. President Trump is due to meet with Canadian Prime Minister Justin Trudeau and Mexican President Enrique Peña Nieto this week to discuss this and other issues. We will continue to monitor discussions closely, especially given the success of our NAFTA Trilateral Working Groups (TWG), in particular the TWG on Pesticides, which has more than 15 years of pesticide regulatory cooperation. This collaboration has resulted in measurable success in aligning pesticide regulation in North America while maintaining high standards of protection for human health, safety and the environment.

Progress was made in 2016 on a number of issues, including inadvertent residues, promoting alignment of MRLs through the joint review program, proportionality and exchangeability, pollinator protection, and integrated assessment and testing approaches (IATA). The Working Group also worked on non-animal testing, RNAi, glyphosate, marijuana and hemp. The next meeting will be hosted by Mexico, either in October or November 2017. The Executive Board will identify agenda items 1-2 months prior to the meeting.

### **United Nations Environment Assembly (UNEA) (December, 2017)**

This group is the lead UN agency for environment and looks at the overall sustainable development goals that were targeted for 2020. The theme for UNEA-3, scheduled for December of 2017, is expected to be pollution-oriented, with a theme similar to "People, Planet, Prosperity: A Cleaner Planet for Healthy, Prosperous Lives." Areas of focus are expected to be: air pollution, especially in transportation and sharing new data on economic impacts; water pollution, especially wastewater, marine plastics, and nutrient pollution; sound management of chemicals and waste, including lead paint, mercury, and waste reduction (including for food waste); and legal and policy solutions to environmental health and economic impacts from pollution.

### **Standards (no date)**

Our standards objective is to ensure that trade negotiations do not interrupt the pipeline of standards and conformity assessment resources available for EPA to incorporate into regulations/programs and to ensure that the FTAs do not otherwise impede EPA's flexibility to implement the National Technology

Transfer and Advancement Act (NTTAA), Office of Management Budget (OMB) Circular A-119, or 15 CFR 287. This work is led by Elise Owen, EPA's Standards Executive, in OPPT.

#### **World Trade Organization: GPA (no date)**

Through discussions of European proposals for the TTIP Government Procurement text, it has come to our attention that several EPA programs may have concerns with an existing, specific obligation under the Government Procurement Agreement, particularly language that calls for procurement programs to accept specified standards "or equivalent." Any EPA program that is based on voluntary consensus standards (i.e., private sector standards) and which is used in U.S. government procurement could be impacted. We are still consulting with programs in OCSPP, with the intention to follow up with OITA and OGC requesting that they organize an intra-agency meeting to explore how EPA can preemptively develop a definition of "or equivalent" that protects EPA's programs.

#### **Consultations on Substances Management (no upcoming events)**

OPPT has had a long-standing dialogue with chemicals management programs in Environment and Climate Change Canada and Health Canada under Consultations on Substances Management (COSM). Information exchange occurs at both the senior management and technical levels. Discussions include comparisons of policy approaches, updates on recent developments and future planning, and information exchange on specific chemicals. COSM videoconferences occur on a bi-annual basis at the Office Director/Director General level; discussions at the technical level occur on an as-needed basis. There are currently no meetings planned at either level for 2017.

#### **Transatlantic Trade and Investment Partnership (no date)**

The 15<sup>th</sup> round of the Transatlantic Trade and Investment Partnership (TTIP) concluded in October 2016, with an additional SPS intersessional DVC in December. After seeing the European Commission struggle to get support from EU national governments for CETA (Canadian-EU Trade Agreement), the last Administration abandoned its efforts to secure an "outcome" on regulatory issues prior to the new Administration taking office.

There has been no decision regarding the fate of TTIP going forward, but the expectation at the staff level is that the negotiations will be shelved for the time being. It is possible that some elements of the negotiation could be taken up again in another forum. For example, there was, and continues to be, significant support from the private sector for the EU and the United States to continue to work on "regulatory coherence", despite evidence of major differences in each side's vision of "good regulatory practices" (our broad negotiating objective) and "regulatory cooperation" (the EC's broad negotiating objective). OCSPP will continue to monitor any news or important developments in our areas of interest.

#### **Other Potential U.S. Trade Negotiations (no date)**

There have been several news reports recently regarding the potential for a U.S.-UK trade agreement to begin negotiations. However, not only have we not heard anything official, but the UK's intended exit from the EU makes any trade negotiations complicated as they are legally still a member of the EU and, at least theoretically, therefore forbidden by EU law from engaging in direct bilateral trade negotiations with another country.

During the last year of the Obama Administration, there were also credible rumors that Argentina was expressing an interest in opening early discussions on a free trade agreement. It is unclear at this time what priority free trade agreements will be given in the new Administration and which countries, if any, would be considered priority countries.

